

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2294

AN ACT

AMENDING SECTIONS 9-461.05 AND 11-821, ARIZONA REVISED STATUTES; AMENDING
TITLE 45, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION
45-108.01; RELATING TO WATER MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-461.05, Arizona Revised Statutes, is amended to
3 read:

4 9-461.05. General plans; authority; scope

5 A. Each planning agency shall prepare and the governing body of each
6 municipality shall adopt a comprehensive, long-range general plan for the
7 development of the municipality. The planning agency shall coordinate the
8 production of its general plan with the creation of the state land department
9 conceptual land use plans under title 37, chapter 2, article 5.1 and shall
10 cooperate with the state land department regarding integrating the conceptual
11 state land use plans into the municipality's general land use plan. The
12 general plan shall include provisions that identify changes or modifications
13 to the plan that constitute amendments and major amendments. The plan shall
14 be adopted and readopted in the manner prescribed by section 9-461.06.

15 B. The general plan shall be so prepared that all or individual
16 elements of it may be adopted by the governing body and that it may be made
17 applicable to all or part of the territory of the municipality.

18 C. The general plan shall consist of a statement of community goals
19 and development policies. It shall include maps, any necessary diagrams and
20 text setting forth objectives, principles, standards and plan proposals. The
21 plan shall include the following elements:

22 1. A land use element that:

23 (a) Designates the proposed general distribution and location and
24 extent of such uses of the land for housing, business, industry, agriculture,
25 recreation, education, public buildings and grounds, open space and other
26 categories of public and private uses of land as may be appropriate to the
27 municipality.

28 (b) Includes a statement of the standards of population density and
29 building intensity recommended for the various land use categories covered by
30 the plan.

31 (c) Identifies specific programs and policies that the municipality
32 may use to promote infill or compact form development activity and locations
33 where those development patterns should be encouraged.

34 (d) Includes consideration of air quality and access to incident solar
35 energy for all general categories of land use.

36 (e) Includes policies that address maintaining a broad variety of land
37 uses including the range of uses existing in the municipality when the plan
38 is adopted, readopted or amended.

39 (f) For cities and towns with territory in the vicinity of a military
40 airport or ancillary military facility as defined in section 28-8461,
41 includes consideration of military airport or ancillary military facility
42 operations. On or before December 31, 2005, if a city or town includes land
43 in a high noise or accident potential zone as defined in section 28-8461, the
44 city or town shall identify the boundaries of the high noise or accident
45 potential zone in its general plan for purposes of planning land uses in the

1 high noise or accident potential zone that are compatible with the operation
2 of the military airport or ancillary military facility pursuant to section
3 28-8481, subsection J.

4 2. A circulation element consisting of the general location and extent
5 of existing and proposed freeways, arterial and collector streets, bicycle
6 routes and any other modes of transportation as may be appropriate, all
7 correlated with the land use element of the plan.

8 D. For cities and towns having a population of more than two thousand
9 five hundred persons but less than ten thousand persons and whose population
10 growth rate exceeded an average of two per cent per year for the ten year
11 period before the most recent United States decennial census and for cities
12 and towns having a population of ten thousand or more persons according to
13 the most recent United States decennial census, the general plan shall
14 include, and for other cities and towns the general plan may include:

15 1. An open space element that includes:

16 (a) A comprehensive inventory of open space areas, recreational
17 resources and designations of access points to open space areas and
18 resources.

19 (b) An analysis of forecasted needs, policies for managing and
20 protecting open space areas and resources and implementation strategies to
21 acquire additional open space areas and further establish recreational
22 resources.

23 (c) Policies and implementation strategies designed to promote a
24 regional system of integrated open space and recreational resources and a
25 consideration of any existing regional open space plans.

26 2. A growth area element, specifically identifying those areas, if
27 any, that are particularly suitable for planned multimodal transportation and
28 infrastructure expansion and improvements designed to support a planned
29 concentration of a variety of uses, such as residential, office, commercial,
30 tourism and industrial uses. This element shall include policies and
31 implementation strategies that are designed to:

32 (a) Make automobile, transit and other multimodal circulation more
33 efficient, make infrastructure expansion more economical and provide for a
34 rational pattern of land development.

35 (b) Conserve significant natural resources and open space areas in the
36 growth area and coordinate their location to similar areas outside the growth
37 area's boundaries.

38 (c) Promote the public and private construction of timely and
39 financially sound infrastructure expansion through the use of infrastructure
40 funding and financing planning that is coordinated with development activity.

41 3. An environmental planning element that contains analyses, policies
42 and strategies to address anticipated effects, if any, of plan elements on
43 air quality, water quality and natural resources associated with proposed
44 development under the general plan. The policies and strategies to be
45 developed under this element shall be designed to have community-wide

1 applicability and shall not require the production of an additional
2 environmental impact statement or similar analysis beyond the requirements of
3 state and federal law.

4 4. A cost of development element that identifies policies and
5 strategies that the municipality will use to require development to pay its
6 fair share toward the cost of additional public service needs generated by
7 new development, with appropriate exceptions when in the public interest.
8 This element shall include:

9 (a) A component that identifies various mechanisms that are allowed by
10 law and that can be used to fund and finance additional public services
11 necessary to serve the development, including bonding, special taxing
12 districts, development fees, in lieu fees, facility construction, dedications
13 and service privatization.

14 (b) A component that identifies policies to ensure that any mechanisms
15 that are adopted by the municipality under this element result in a
16 beneficial use to the development, bear a reasonable relationship to the
17 burden imposed on the municipality to provide additional necessary public
18 services to the development and otherwise are imposed according to law.

19 5. A water resources element that addresses:

20 (a) The known legally and physically available surface water,
21 groundwater and effluent supplies.

22 (b) The CURRENT AND COMMITTED demand for water IN THE CITY OR TOWN AND
23 THE ESTIMATED UNCOMMITTED DEMAND that will result from future growth
24 projected ~~in the general plan, added to existing uses~~ FOR THE CITY OR TOWN
25 OVER TEN YEARS.

26 (c) An analysis of how the demand for water ~~that will result from~~
27 ~~future growth projected in the general plan~~ IDENTIFIED IN SUBDIVISION (b) OF
28 THIS PARAGRAPH will be served by the water supplies identified in subdivision
29 (a) of this paragraph or a plan to obtain additional necessary water
30 supplies.

31 (d) FOR ANY CITY OR TOWN THAT IS LOCATED IN A GROUNDWATER BASIN THAT
32 IS IDENTIFIED FOR PRIORITY REGIONAL PLANNING PURPOSES PURSUANT TO SECTION
33 45-108.01, THE PRACTICALITY OF REGIONAL INTEGRATION AND COORDINATION WITH ALL
34 OTHER CITIES, TOWNS AND COUNTIES IN THE SAME GROUNDWATER BASIN, OR SUBBASIN
35 IF A SUBBASIN IS DESIGNATED PURSUANT TO SECTION 45-404, OF:

36 (i) CURRENT AND FUTURE WATER RESOURCE SUPPLIES, DEMANDS, CUMULATIVE
37 IMPACTS FROM ALL USES, CONSERVATION POLICIES AND IMPLEMENTATION STRATEGIES.

38 (ii) THE PUBLIC INFRASTRUCTURE REQUIRED FOR COORDINATED ACQUISITION
39 AND DISTRIBUTION OF WATER SUPPLIES.

40 (iii) WATER CONSERVATION EFFORTS.

41 (iv) DROUGHT MANAGEMENT EFFORTS.

42 (v) THE FINANCIAL RESOURCES, CAPACITY AND EFFORT REQUIRED TO IMPLEMENT
43 THE REGIONAL INTEGRATION OF THE WATER RESOURCES ELEMENT.

1 E. The general plan shall include for cities of fifty thousand persons
2 or more and may include for cities of less than fifty thousand persons the
3 following elements or any part or phase of the following elements:

4 1. A conservation element for the conservation, development and
5 utilization of natural resources, including forests, soils, rivers and other
6 waters, harbors, fisheries, wildlife, minerals and other natural resources.
7 The conservation element may also cover:

8 (a) The reclamation of land.

9 (b) Flood control.

10 (c) Prevention and control of the pollution of streams and other
11 waters.

12 (d) Regulation of the use of land in stream channels and other areas
13 required for the accomplishment of the conservation plan.

14 (e) Prevention, control and correction of the erosion of soils,
15 beaches and shores.

16 (f) Protection of watersheds.

17 2. A recreation element showing a comprehensive system of areas and
18 public sites for recreation, including the following and, if practicable,
19 their locations and proposed development:

20 (a) Natural reservations.

21 (b) Parks.

22 (c) Parkways and scenic drives.

23 (d) Beaches.

24 (e) Playgrounds and playfields.

25 (f) Open space.

26 (g) Bicycle routes.

27 (h) Other recreation areas.

28 3. The circulation element provided for in subsection C, paragraph 2
29 of this section shall also include for cities of fifty thousand persons or
30 more and may include for cities of less than fifty thousand persons
31 recommendations concerning parking facilities, building setback requirements
32 and the delineations of such systems on the land, a system of street naming
33 and house and building numbering and other matters as may be related to the
34 improvement of circulation of traffic. The circulation element may also
35 include:

36 (a) A transportation element showing a comprehensive transportation
37 system, including locations of rights-of-way, terminals, viaducts and grade
38 separations. This element of the plan may also include port, harbor,
39 aviation and related facilities.

40 (b) A transit element showing a proposed system of rail or transit
41 lines or other mode of transportation as may be appropriate.

42 4. A public services and facilities element showing general plans for
43 police, fire, emergency services, sewage, refuse disposal, drainage, local
44 utilities, rights-of-way, easements and facilities for them.

1 5. A public buildings element showing locations of civic and community
2 centers, public schools, libraries, police and fire stations and other public
3 buildings.

4 6. A housing element consisting of standards and programs for the
5 elimination of substandard dwelling conditions, for the improvement of
6 housing quality, variety and affordability and for provision of adequate
7 sites for housing. This element shall contain an identification and analysis
8 of existing and forecasted housing needs. This element shall be designed to
9 make equal provision for the housing needs of all segments of the community
10 regardless of race, color, creed or economic level.

11 7. A conservation, rehabilitation and redevelopment element consisting
12 of plans and programs for:

13 (a) The elimination of slums and blighted areas.

14 (b) Community redevelopment, including housing sites, business and
15 industrial sites and public building sites.

16 (c) Neighborhood preservation and revitalization.

17 (d) Other purposes authorized by law.

18 8. A safety element for the protection of the community from natural
19 and artificial hazards including features necessary for such protection as
20 evacuation routes, peak load water supply requirements, minimum road widths
21 according to function, clearances around structures and geologic hazard
22 mapping in areas of known geologic hazards.

23 9. A bicycling element consisting of proposed bicycle facilities such
24 as bicycle routes, bicycle parking areas and designated bicycle street
25 crossing areas.

26 F. WITH RESPECT TO THE WATER RESOURCES ELEMENT UNDER SUBSECTION D,
27 PARAGRAPH 5 OF THIS SECTION:

28 1. CITIES AND TOWNS THAT ARE NOT REQUIRED EITHER TO ADOPT A GENERAL
29 PLAN OR TO INCLUDE A WATER RESOURCES ELEMENT IN A GENERAL PLAN SHALL
30 NEVERTHELESS COOPERATE WITH, COLLABORATE WITH, ASSIST AND PROVIDE INFORMATION
31 TO OTHER CITIES AND TOWNS AND THE COUNTY AS NECESSARY TO ACHIEVE REGIONAL
32 INTEGRATION OF THE WATER RESOURCES ELEMENT IN THE GENERAL AND COMPREHENSIVE
33 PLANS OF THE OTHER MUNICIPALITIES AND THE COUNTY AS REQUIRED BY SUBSECTION D,
34 PARAGRAPH 5, SUBDIVISION (d) OF THIS SECTION.

35 2. The water resources element of the general plan does not require:

36 ~~1-~~ (a) New independent hydrogeologic studies, RESEARCH OR DATA, BUT
37 THE CITY OR TOWN MAY RELY ON EXISTING SOURCES OF RELIABLE INFORMATION,
38 INCLUDING DATA FROM THE DEPARTMENT OF WATER RESOURCES AND THE UNITED STATES
39 GEOLOGICAL SURVEY.

40 ~~2-~~ (b) The city or town to be a water service provider.

41 G. The land use element of a general plan of a city with a population
42 of more than one million persons shall include protections from encroaching
43 development for any shooting range that is owned by this state and that is
44 located within or adjacent to the exterior municipal boundaries on or before
45 January 1, 2004. The general plan shall establish land use categories within

1 at least one-half mile from the exterior boundaries of the shooting range
2 that are consistent with the continued existence of the shooting range and
3 that exclude incompatible uses such as residences, schools, hotels, motels,
4 hospitals or churches except that land zoned to permit these incompatible
5 uses on ~~the effective date of this amendment to this section~~ AUGUST 25, 2004
6 are exempt from this exclusion. For the purposes of this subsection,
7 "shooting range" means a permanently located and improved area that is
8 designed and operated for the use of rifles, shotguns, pistols, silhouettes,
9 skeet, trap, black powder or any other similar sport shooting in an outdoor
10 environment. Shooting range does not include:

- 11 1. Any area for the exclusive use of archery or air guns.
 - 12 2. An enclosed indoor facility that is designed to offer a totally
13 controlled shooting environment and that includes impenetrable walls, floor
14 and ceiling, adequate ventilation, lighting systems and acoustical treatment
15 for sound attenuation suitable for the range's approved use.
 - 16 3. A national guard facility located in a city or town with a
17 population of more than one million persons.
 - 18 4. A facility that was not owned by this state before January 1, 2002.
- 19 H. The policies and strategies to be developed under these elements
20 shall be designed to have community-wide applicability and this section does
21 not authorize the imposition of dedications, exactions, fees or other
22 requirements that are not otherwise authorized by law.

23 Sec. 2. Section 11-821, Arizona Revised Statutes, is amended to read:
24 11-821. County plan; definitions

25 A. The commission shall formulate and the board of supervisors shall
26 adopt or readopt a comprehensive long-term county plan for the development of
27 the area of jurisdiction in the manner prescribed by this article. The
28 planning commission shall coordinate the production of the county plan with
29 the creation of the conceptual state land use plans under title 37, chapter
30 2, article 5.1. The county plan, with the accompanying maps, plats, charts
31 and descriptive matter, shall show the commission's recommendations for the
32 development of the area of jurisdiction together with the general zoning
33 regulations. The county plan shall be made with the general purpose of
34 guiding and accomplishing a coordinated, adjusted and harmonious development
35 of the area of jurisdiction. In the preparation of the county plan the
36 commission shall make surveys and studies of the present conditions and
37 prospective future growth of the area of the jurisdiction. The planning
38 commission shall cooperate with the state land department regarding
39 integrating the conceptual state land use plans into the county plan. The
40 county plan shall include provisions that identify changes or modifications
41 that constitute amendments and major amendments to the plan.

42 B. In addition to the other matters that are required or authorized
43 under this section and article 1 of this chapter, the county plan:

- 44 1. Shall provide for zoning, shall show the zoning districts
45 designated as appropriate for various classes of residential, business and

1 industrial uses and shall provide for the establishment of setback lines and
2 other plans providing for adequate light, air and parking facilities and for
3 expediting traffic within the districts.

4 2. May establish the percentage of a lot or parcel which may be
5 covered by buildings, and the size of yards, courts and other open spaces.

6 3. Shall consider access to incident solar energy.

7 4. May provide for retirement community zoning districts.

8 5. May provide for the regulation and use of business licenses, adult
9 oriented business manager permits and adult service provider permits in
10 conjunction with the establishment or operation of adult oriented businesses
11 and facilities, including adult arcades, adult bookstores or video stores,
12 cabarets, adult live entertainment establishments, adult motion picture
13 theaters, adult theaters, massage establishments and nude model studios.
14 With respect to cabarets, the plan shall not conflict with specific statutory
15 or valid regulatory requirements applicable to persons licensed to dispense
16 alcoholic beverages, but the plan may include regulation of the age and
17 conduct of erotic entertainers in a manner at least as restrictive as rules
18 adopted under title 4.

19 C. IF A CITY OR TOWN IN THE COUNTY IS REQUIRED TO INCLUDE A WATER
20 RESOURCES ELEMENT IN ITS MUNICIPAL GENERAL PLAN PURSUANT TO SECTION 9-461.05,
21 SUBSECTION D, PARAGRAPH 5, THE COUNTY COMPREHENSIVE PLAN SHALL INCLUDE
22 PLANNING FOR WATER RESOURCES IN ITS AREA OF JURISDICTION THAT ADDRESSES:

23 1. THE KNOWN SURFACE WATER, GROUNDWATER AND EFFLUENT SUPPLIES THAT ARE
24 LEGALLY AND PHYSICALLY AVAILABLE.

25 2. THE CURRENT AND COMMITTED DEMAND FOR WATER IN THE COUNTY AND THE
26 ESTIMATED UNCOMMITTED DEMAND THAT WILL RESULT FROM FUTURE GROWTH PROJECTED
27 FOR THE COUNTY OVER TEN YEARS.

28 3. AN ANALYSIS OF HOW THE DEMAND FOR WATER IDENTIFIED IN PARAGRAPH 2
29 OF THIS SUBSECTION WILL BE SERVED BY THE WATER SUPPLIES IDENTIFIED IN
30 PARAGRAPH 1 OF THIS SUBSECTION OR A PLAN TO OBTAIN ADDITIONAL NECESSARY WATER
31 SUPPLIES.

32 4. WITH RESPECT TO GROUNDWATER BASINS LOCATED IN THE COUNTY THAT ARE
33 IDENTIFIED FOR PRIORITY REGIONAL PLANNING PURPOSES PURSUANT TO SECTION
34 45-108.01, THE PRACTICALITY OF REGIONAL INTEGRATION AND COORDINATION WITH ALL
35 CITIES, TOWNS AND OTHER COUNTIES IN THE SAME GROUNDWATER BASIN, OR SUBBASIN
36 IF A SUBBASIN IS DESIGNATED PURSUANT TO SECTION 45-404, OF:

37 (a) CURRENT AND FUTURE WATER RESOURCE SUPPLIES, DEMANDS, CUMULATIVE
38 IMPACTS FROM ALL USES, CONSERVATION POLICIES AND IMPLEMENTATION STRATEGIES.

39 (b) THE PUBLIC INFRASTRUCTURE REQUIRED FOR COORDINATED ACQUISITION AND
40 DISTRIBUTION OF WATER SUPPLIES.

41 (c) WATER CONSERVATION EFFORTS.

42 (d) DROUGHT MANAGEMENT EFFORTS.

43 (e) THE FINANCIAL RESOURCES, CAPACITY AND EFFORT REQUIRED TO IMPLEMENT
44 THE REGIONAL INTEGRATION OF THE WATER RESOURCES ELEMENT AS PROVIDED BY THIS
45 PARAGRAPH.

1 ~~C.~~ D. In addition to the other matters that are required or
2 authorized under this section and article 1 of this chapter, for counties
3 having a population of more than one hundred twenty-five thousand persons
4 according to the most recent United States decennial census, the county plan
5 shall include, and for other counties the county plan may include:

6 1. Planning for land use that designates the proposed general
7 distribution and location and extent of uses of the land for housing,
8 business, industry, agriculture, recreation, education, public buildings and
9 grounds, open space and other categories of public and private uses of land
10 appropriate to the county. The land use plan shall include:

11 (a) A statement of the standards of population density and building
12 intensity recommended for the various land use categories covered by the
13 plan.

14 (b) Specific programs and policies that the county may use to promote
15 compact form development activity and locations where those development
16 patterns should be encouraged.

17 (c) Consideration of air quality and access to incident solar energy
18 for all general categories of land use.

19 (d) Policies that address maintaining a broad variety of land uses
20 including the range of uses existing in the county at the time the plan is
21 adopted, readopted or amended.

22 2. Planning for circulation consisting of the general location and
23 extent of existing and proposed freeways, arterial and collector streets,
24 bicycle routes and any other modes of transportation as may be appropriate,
25 all correlated with the land use plan under paragraph 1 of this subsection.

26 ~~3. Planning for water resources that addresses:~~

27 ~~(a) The known legally and physically available surface water,~~
28 ~~groundwater and effluent supplies.~~

29 ~~(b) The demand for water that will result from future growth projected~~
30 ~~in the county plan, added to existing uses.~~

31 ~~(c) An analysis of how the demand for water that will result from~~
32 ~~future growth projected in the comprehensive plan will be served by the water~~
33 ~~supplies identified in subdivision (a) of this paragraph or a plan to obtain~~
34 ~~additional necessary water supplies.~~

35 ~~D.~~ E. In addition to the other matters that are required or
36 authorized under this section and article 1 of this chapter, for counties
37 having a population of more than two hundred thousand persons according to
38 the most recent United States decennial census, the county plan shall
39 include, and for other counties the county plan may include:

40 1. Planning for open space acquisition and preservation. The open
41 space plan shall include:

42 (a) A comprehensive inventory of open space areas, recreational
43 resources and designations of access points to open space areas and
44 resources.

1 (b) An analysis of forecasted needs, policies for managing and
2 protecting open space areas and resources and implementation strategies to
3 acquire additional open space areas and further establish recreational
4 resources.

5 (c) Policies and implementation strategies designed to promote a
6 regional system of integrated open space and recreational resources and a
7 consideration of any existing regional open space plan.

8 2. Planning for growth areas, specifically identifying those areas, if
9 any, that are particularly suitable for planned multimodal transportation and
10 infrastructure expansion and improvements designed to support a planned
11 concentration of a variety of uses, such as residential, office, commercial,
12 tourism and industrial uses. The mixed use planning shall include policies
13 and implementation strategies that are designed to:

14 (a) Make automobile, transit and other multimodal circulation more
15 efficient, make infrastructure expansion more economical and provide for a
16 rational pattern of land development.

17 (b) Conserve significant natural resources and open areas in the
18 growth area and coordinate their location to similar areas outside the growth
19 area's boundaries.

20 (c) Promote the public and private construction of timely and
21 financially sound infrastructure expansion through the use of infrastructure
22 funding and financing planning that is coordinated with development activity.

23 3. An environmental planning element that contains ~~analysis~~ ANALYSES,
24 policies and strategies to address anticipated effects, if any, of plan
25 elements on air quality, water quality and natural resources associated with
26 proposed development under the comprehensive plan. The policies and
27 strategies to be developed under this element shall be designed to have
28 countywide applicability and shall not require the production of an
29 additional environmental impact statement or similar analysis beyond the
30 requirements of state and federal law.

31 4. A cost of development element that identifies policies and
32 strategies that the county will use to require development to pay its fair
33 share toward the cost of additional public facility needs generated by new
34 development, with appropriate exceptions when in the public interest. This
35 element shall include:

36 (a) A component that identifies various mechanisms that are allowed by
37 law and that can be used to fund and finance additional public services
38 necessary to serve the development, including bonding, special taxing
39 districts, development fees, in lieu fees and facility construction,
40 dedications and privatization.

41 (b) A component that identifies policies to ensure that any mechanisms
42 that are adopted by the county under this element result in a beneficial use
43 to the development, bear a reasonable relationship to the burden imposed on
44 the county to provide additional necessary public facilities to the
45 development and otherwise are imposed according to law.

1 ~~E.~~ F. The water resources element of the comprehensive plan does not
2 require:

3 1. New independent hydrogeologic studies, RESEARCH OR DATA, BUT THE
4 COUNTY MAY RELY ON EXISTING SOURCES OF RELIABLE INFORMATION, INCLUDING DATA
5 FROM THE DEPARTMENT OF WATER RESOURCES AND THE UNITED STATES GEOLOGICAL
6 SURVEY.

7 2. The county to be a water service provider.

8 ~~F.~~ G. To carry out the purposes of this article, the board may adopt
9 overlay zoning districts and regulations applicable to particular buildings,
10 structures and land within individual zones. For the purposes of this
11 subsection, "overlay zoning district" means a special zoning district that
12 includes regulations ~~which~~ THAT modify regulations in another zoning district
13 with which the overlay zoning district is combined. Overlay zoning districts
14 and regulations shall be adopted pursuant to section 11-829. The provisions
15 of overlay zoning shall apply retroactively to authorize overlay zoning
16 districts and regulations adopted before April 20, 1993.

17 ~~G.~~ H. The policies and strategies to be developed under these
18 elements shall be designed to have regional applicability.

19 ~~H.~~ I. This section does not authorize:

20 1. The imposition of dedications, exactions, fees or other
21 requirements that are not otherwise authorized by law.

22 2. The regulation or restriction of the use or occupation of land or
23 improvements for railroad, mining, metallurgical, grazing or general
24 agricultural purposes, if the tract concerned is five or more contiguous
25 commercial acres.

26 ~~I.~~ J. For the purposes of this section:

27 1. "Adult arcade" means any place to which the public is permitted or
28 invited and in which coin-operated or slug-operated or electronically,
29 electrically or mechanically controlled still or motion picture machines,
30 projectors or other image producing devices are maintained to show images
31 involving specific sexual activities or specific anatomical areas to persons
32 in booths or viewing rooms.

33 2. "Adult bookstore or video store" means a commercial establishment
34 that offers for sale or rent any of the following as one of its principal
35 business purposes:

36 (a) Books, magazines, periodicals or other printed matter,
37 photographs, films, motion pictures, videocassettes or reproductions or
38 slides or other visual representations that depict or describe specific
39 sexual activities or specific anatomical areas.

40 (b) Instruments, devices or paraphernalia that are designed for use in
41 connection with specific sexual activities.

1 3. "Adult live entertainment establishment" means an establishment
2 that features either:

3 (a) Persons who appear in a state of nudity.

4 (b) Live performances that are characterized by the exposure of
5 specific anatomical areas or specific sexual activities.

6 4. "Adult motion picture theater" means a commercial establishment in
7 which for any form of consideration films, motion pictures, videocassettes,
8 slides or other similar photographic reproductions that are characterized by
9 the depiction or description of specific sexual activities or specific
10 anatomical areas are predominantly shown.

11 5. "Adult oriented business" means adult arcades, adult bookstores or
12 video stores, cabarets, adult live entertainment establishments, adult motion
13 picture theaters, adult theaters, massage establishments that offer adult
14 service or nude model studios.

15 6. "Adult oriented business manager" means a person on the premises of
16 an adult oriented business who is authorized to exercise overall operational
17 control of the business.

18 7. "Adult service" means dancing, serving food or beverages, modeling,
19 posing, wrestling, singing, reading, talking, listening or other performances
20 or activities conducted for any consideration in an adult oriented business
21 by a person who is nude or seminude during all or part of the time that the
22 person is providing the service.

23 8. "Adult service provider" or "erotic entertainer" means any natural
24 person who provides an adult service.

25 9. "Adult theater" means a theater, concert hall, auditorium or
26 similar commercial establishment that predominantly features persons who
27 appear in a state of nudity or who engage in live performances that are
28 characterized by the exposure of specific anatomical areas or specific sexual
29 activities.

30 10. "Cabaret" means an adult oriented business licensed to provide
31 alcoholic beverages pursuant to title 4, chapter 2, article 1.

32 11. "Discernibly turgid state" means the state of being visibly
33 swollen, bloated, inflated or distended.

34 12. "Massage establishment" means an establishment in which a person,
35 firm, association or corporation engages in or permits massage activities,
36 including any method of pressure on, friction against, stroking, kneading,
37 rubbing, tapping, pounding, vibrating or stimulating of external soft parts
38 of the body with the hands or with the aid of any mechanical apparatus or
39 electrical apparatus or appliance. This paragraph does not apply to:

40 (a) Physicians WHO ARE licensed pursuant to title 32, chapter 7, 8,
41 13, 14 or 17.

42 (b) Registered nurses, licensed practical nurses or technicians who
43 are acting under the supervision of a physician WHO IS licensed pursuant to
44 title 32, chapter 13 or 17.

1 (c) Persons who are employed or acting as trainers for a bona fide
2 amateur, semiprofessional or professional athlete or athletic team.

3 (d) Persons who are licensed pursuant to title 32, chapter 3 or 5 if
4 the activity is limited to the head, face or neck.

5 13. "Nude model studio" means a place in which a person who appears in
6 a state of nudity or who displays specific anatomical areas is observed,
7 sketched, drawn, painted, sculptured, photographed or otherwise depicted by
8 other persons who pay money or other consideration. Nude model studio does
9 not include a proprietary school that is licensed by this state, a college,
10 community college or university that is supported entirely or in part by
11 taxation, a private college or university that maintains and operates
12 educational programs in which credits are transferable to a college,
13 community college or university that is supported entirely or in part by
14 taxation or a structure to which the following apply:

15 (a) A sign is not visible from the exterior of the structure and no
16 other advertising appears indicating that a nude person is available for
17 viewing.

18 (b) A student must enroll at least three days in advance of a class in
19 order to participate.

20 (c) No more than one nude or seminude model is on the premises at any
21 time.

22 14. "Nude", "nudity" or "state of nudity" means any of the following:

23 (a) The appearance of a human anus, genitals or A female breast below
24 a point immediately above the top of the areola.

25 (b) A state of dress that fails to opaquely cover a human anus,
26 genitals or A female breast below a point immediately above the top of the
27 areola.

28 15. "Principal business purposes" means that a commercial establishment
29 derives fifty per cent or more of its gross income from the sale or rental of
30 items listed in paragraph 2 of this subsection.

31 16. "Seminude" means a state of dress in which clothing covers no more
32 than the genitals, pubic region and female breast below a point immediately
33 above the top of the areola, as well as portions of the body that are covered
34 by supporting straps or devices.

35 17. "Specific anatomical areas" means any of the following:

36 (a) A human anus, genitals, THE pubic region or a female breast below
37 a point immediately above the top of the areola that is less than completely
38 and opaquely covered.

39 (b) Male genitals in a discernibly turgid state even if completely and
40 opaquely covered.

41 18. "Specific sexual activities" means any of the following:

42 (a) Human genitals in a state of sexual stimulation or arousal.

43 (b) Sex acts, normal or perverted, actual or simulated, including acts
44 of human masturbation, sexual intercourse, oral copulation or sodomy.

1 (c) Fondling or other erotic touching of the human genitals, pubic
2 region, buttocks, anus or female breast.

3 (d) Excretory functions as part of or in connection with any of the
4 activities under subdivision (a), (b) or (c) of this paragraph.

5 Sec. 3. Title 45, chapter 1, article 1, Arizona Revised Statutes, is
6 amended by adding section 45-108.01, to read:

7 45-108.01. Groundwater basin regional planning

8 A. THE DEPARTMENT SHALL IDENTIFY GROUNDWATER BASINS FOR PRIORITY
9 REGIONAL GROUNDWATER RESOURCE PLANNING PURPOSES, CONSIDERING THE FOLLOWING
10 FACTORS IN THE ANALYSIS:

- 11 1. POPULATION CHARACTERISTICS OF THE BASIN.
- 12 2. HYDROLOGIC AND GEOLOGIC CONDITIONS.
- 13 3. THE WATER BUDGET.

14 4. CURRENTLY OCCURRING PLANNING AND MANAGEMENT EFFORTS. THE
15 DEPARTMENT SHALL EXCLUDE FROM THE PRIORITY ANALYSIS GROUNDWATER BASINS THAT
16 ARE LOCATED IN ACTIVE MANAGEMENT AREAS AND MAY EXCLUDE OTHER GROUNDWATER
17 BASINS, SUBBASINS AND WATERSHEDS THAT ARE SUBJECT TO CURRENTLY ACTIVE
18 REGIONAL WATER PLANNING EFFORTS.

19 B. THE DEPARTMENT SHALL COMPLETE ITS ANALYSIS AND ISSUE A REPORT ON OR
20 BEFORE DECEMBER 31, 2006. THE REPORT SHALL IDENTIFY GROUNDWATER BASINS WHERE
21 PRIORITY REGIONAL WATER RESOURCE PLANNING SHOULD OCCUR. THE DEPARTMENT SHALL
22 TRANSMIT COPIES OF THE REPORT TO:

23 1. THE CHAIRPERSONS OF THE SENATE NATURAL RESOURCES AND RURAL AFFAIRS
24 COMMITTEE AND THE HOUSE OF REPRESENTATIVES NATURAL RESOURCES AND AGRICULTURE
25 COMMITTEE OR THEIR SUCCESSOR COMMITTEES.

26 2. THE BOARDS OF SUPERVISORS OF EACH COUNTY IN WHICH THE IDENTIFIED
27 GROUNDWATER BASINS ARE LOCATED.

28 3. THE GOVERNING BODY OF EACH CITY AND TOWN THAT RECEIVES ANY AMOUNT
29 OF ITS MUNICIPAL WATER SUPPLY FROM AN IDENTIFIED GROUNDWATER BASIN.

30 C. THE BOARD OF SUPERVISORS OF EACH COUNTY IN WHICH AN IDENTIFIED
31 GROUNDWATER BASIN IS LOCATED SHALL CONVENE A REGIONAL GROUNDWATER PLANNING
32 TASK FORCE FOR EACH BASIN. THE REGIONAL TASK FORCE SHALL CONSIST OF:

33 1. ONE REPRESENTATIVE FROM EACH CITY AND TOWN THAT RECEIVES ANY AMOUNT
34 OF ITS MUNICIPAL WATER SUPPLY FROM THE GROUNDWATER BASIN. EACH SUCH CITY AND
35 TOWN SHALL BE REPRESENTED ON THE TASK FORCE.

36 2. ONE REPRESENTATIVE FROM THE COUNTY WITH RESPECT TO THE
37 UNINCORPORATED COMMUNITIES THAT RECEIVE WATER FROM THE GROUNDWATER
38 BASIN. THIS REPRESENTATIVE MUST CONSULT WITH THOSE PARTIES AND EXISTING
39 COMMUNITY ORGANIZATIONS IN REPRESENTING THE COMMUNITIES AND INTERESTS IN
40 UNINCORPORATED AREAS.

41 D. EACH REGIONAL PLANNING TASK FORCE SHALL:

42 1. ELECT A CHAIRPERSON FROM AMONG ITS MEMBERS TO CALL AND PRESIDE AT
43 MEETINGS.

44 2. HOLD PUBLIC MEETINGS PURSUANT TO TITLE 38, CHAPTER 3, ARTICLE 3.1
45 AS FREQUENTLY AS NECESSARY TO ACCOMPLISH ITS RESPONSIBILITIES.

1 3. DEVELOP AND ISSUE A REGIONAL GROUNDWATER PLAN. THE REGIONAL
2 PLANNING DOES NOT REQUIRE THE DEVELOPMENT OF NEW RESEARCH OR DATA, BUT THE
3 TASK FORCE SHALL RELY ON EXISTING SOURCES OF INFORMATION INCLUDING THE
4 DEPARTMENT'S WATER ATLAS AND ADEQUACY AND ASSURED WATER SUPPLY STUDIES AND
5 UNITED STATES GEOLOGICAL SURVEY STUDIES. THE DEPARTMENT SHALL PROVIDE
6 TECHNICAL SUPPORT TO THE TASK FORCE. THE PLAN SHALL RECOGNIZE THE UNIQUE
7 REGIONAL WATER NEEDS AND THE WATERSHED AND HYDROLOGIC CIRCUMSTANCES AND
8 ADDRESS AT LEAST THE FOLLOWING ISSUES:

- 9 (a) DEMOGRAPHICS AND POPULATION TRENDS.
- 10 (b) PRIVATE PROPERTY RIGHTS ISSUES.
- 11 (c) CURRENT AND FUTURE AVAILABLE WATER SUPPLIES.
- 12 (d) ECONOMIC DEVELOPMENT ISSUES.
- 13 (e) WATER INFRASTRUCTURE.
- 14 (f) WATERSHED MANAGEMENT ISSUES.
- 15 (g) WATER QUALITY ISSUES.
- 16 (h) WATER CONSERVATION.
- 17 (i) WATER SUPPLY AUGMENTATION.
- 18 (j) WATER RECLAMATION AND REUSE.
- 19 (k) DROUGHT MANAGEMENT.
- 20 (l) WATER RIGHTS ADJUDICATION.
- 21 (m) INDIAN WATER RIGHTS SETTLEMENTS.
- 22 (n) FEDERAL WATER MANDATES AND REQUIREMENTS.
- 23 (o) COST ANALYSES AND FUNDING.
- 24 (p) DATA DEFICIENCIES.
- 25 (q) REGIONAL COORDINATION.
- 26 (r) IMPLEMENTATION STRATEGIES.

27 4. ESTABLISH AND APPOINT THE MEMBERS OF A REGIONAL STAKEHOLDERS
28 OUTREACH ADVISORY COMMITTEE OF REPRESENTATIVES OF MUNICIPAL, INDUSTRIAL,
29 DOMESTIC AND IRRIGATION WATER PROVIDERS, REAL ESTATE DEVELOPERS,
30 AGRICULTURAL, GRAZING, MINING, INDUSTRIAL AND RECREATIONAL INTERESTS,
31 LANDOWNERS THAT TRANSPORT GROUNDWATER FROM THE BASIN TO AN ACTIVE MANAGEMENT
32 AREA UNDER CHAPTER 2, ARTICLE 8.1 OF THIS TITLE AND OTHER SIGNIFICANT WATER
33 USERS. THE ADVISORY COMMITTEE SHALL REPORT ISSUES AND CONCERNS AND PROVIDE
34 INPUT AND SUGGESTIONS AT EACH STAGE OF THE DEVELOPMENT OF THE REGIONAL
35 GROUNDWATER PLAN.

36 5. IDENTIFY LEGAL, STATUTORY, POLITICAL, CULTURAL, PHYSICAL AND
37 ECONOMIC BARRIERS AND DETERRENTS THAT PREVENT OR IMPEDE EFFECTIVE REGIONAL
38 WATER PLANNING, AND REQUEST THE LEGISLATURE TO ADDRESS THE IDENTIFIED
39 STATUTORY ISSUES.

40 6. WITHIN EIGHTEEN MONTHS:

41 (a) ISSUE A FINAL REPORT OF FINDINGS AND RECOMMENDATIONS, TOGETHER
42 WITH THE REGIONAL GROUNDWATER PLAN. THE COUNTY AND EACH CITY AND TOWN THAT
43 PARTICIPATES ON THE TASK FORCE SHALL MAINTAIN COPIES OF THE REPORT AND THE
44 REGIONAL GROUNDWATER PLAN AS PUBLIC RECORDS.

1 (b) TRANSMIT COPIES OF THE REPORT AND THE REGIONAL GROUNDWATER PLAN TO
2 THE CHAIRPERSONS OF THE SENATE NATURAL RESOURCES AND RURAL AFFAIRS COMMITTEE,
3 THE HOUSE OF REPRESENTATIVES NATURAL RESOURCES AND AGRICULTURE COMMITTEE, OR
4 THEIR SUCCESSOR COMMITTEES AND TO THE DIRECTOR OF THE ARIZONA STATE LIBRARY,
5 ARCHIVES AND PUBLIC RECORDS.

6 E. EACH CITY, TOWN AND COUNTY THAT PARTICIPATES IN A REGIONAL PLANNING
7 TASK FORCE MAY ADAPT AND INCLUDE ALL OR PART OF THE REGIONAL GROUNDWATER PLAN
8 FOR THE PURPOSES OF THE WATER RESOURCES ELEMENT OF ITS MUNICIPAL GENERAL PLAN
9 UNDER SECTION 9-461.05 OR ITS COUNTY COMPREHENSIVE PLAN UNDER SECTION 11-821.

10 F. THIS SECTION DOES NOT PREVENT OR PRECLUDE ANY OTHER EFFORT TO
11 ACCOMPLISH REGIONAL GROUNDWATER PLANNING IN ANY AREA OF THIS STATE THAT IS
12 NOT IDENTIFIED FOR PRIORITY REGIONAL WATER RESOURCE PLANNING UNDER SUBSECTION
13 A OF THIS SECTION.

14 G. IN 2011 AND EVERY FIVE YEARS THEREAFTER, THE AUDITOR GENERAL SHALL:

15 1. REVIEW THE EFFECTIVENESS OF THIS SECTION AND THE PERFORMANCE AND
16 SUCCESS OF THE DEPARTMENT AND OF COUNTIES, CITIES AND TOWNS IN ACCOMPLISHING
17 THOROUGH, DETAILED AND COMPLETE REGIONAL GROUNDWATER RESOURCE PLANS.

18 2. SUBMIT A REPORT OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS TO THE
19 DIRECTOR AND TO THE CHAIRPERSONS OF THE SENATE NATURAL RESOURCES AND RURAL
20 AFFAIRS COMMITTEE AND THE HOUSE OF REPRESENTATIVES NATURAL RESOURCES AND
21 AGRICULTURE COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

22 H. IN 2013 AND EVERY FIVE YEARS THEREAFTER, THE BOARD OF SUPERVISORS
23 OF EACH COUNTY IN WHICH A GROUNDWATER BASIN IS LOCATED FOR WHICH A REGIONAL
24 GROUNDWATER PLAN HAS BEEN ADOPTED SHALL RECONVENE A REGIONAL GROUNDWATER
25 PLANNING TASK FORCE FOR THE BASIN AS PROVIDED IN SUBSECTION C OF THIS SECTION
26 FOR THE PURPOSE OF EVALUATING THE ADOPTED REGIONAL GROUNDWATER PLAN IN THE
27 MANNER PRESCRIBED BY SUBSECTION D OF THIS SECTION AGAINST THE CURRENT
28 CONDITIONS AND THE CRITERIA PRESCRIBED BY SUBSECTION D, PARAGRAPH 3 OF THIS
29 SECTION. THE RECONVENED TASK FORCE MAY UPDATE THE REGIONAL GROUNDWATER PLAN
30 AS NECESSARY AND ISSUE ITS FINAL REPORT AS PROVIDED BY SUBSECTION D,
31 PARAGRAPH 6 OF THIS SECTION.

32 Sec. 4. Amendment of general and comprehensive plans

33 On or before December 31, 2008, the governing body of each city, town
34 and county shall amend its general plan or comprehensive plan as necessary to
35 comply with the requirements of the water resources element as prescribed by
36 section 9-461.05 or 11-821, Arizona Revised Statutes, as amended by this
37 act. An amendment of the general plan or comprehensive plan for this purpose
38 is not considered to be a major amendment for purposes of the adoption
39 process.